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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/707,862

11/07/2000

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SEL-224

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7590

01/23/2006

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EXAMINER

GUHARAY, KARABI

ART UNIT

PAPER NUMBER

2879

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,862

Applicant(s)

YAMAZAKI ET AL.

Examiner

Karabi Guharay

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment, filed on 11/16/2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-22 is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/16/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Amendment, filed on 11/16/2005 has been considered and entered.

Claims 15, 19, 23 & 27 are amended.

Priority

Certified copy of priority document is not in record. Applicant is requested to file another copy of priority document.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/16/2005 has been considered by the examiner. Signed copy of IDS is attached.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

In this instant case, Abstract recites, "present invention" and "according to the present invention".

Applicant is requested to delete these phrases for proper language format.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike et al. (US 6345903).

Regarding claim 23, Koike et al. disclose a method of manufacturing a light emitting device (Fig 6-Fig 10) comprising the step of forming a first sealing material (21) so as to surround at least a light emitting element (15) at a plurality of places over an insulator (glass epoxy substrate 12 or 31, lines 12-14 of column 5), dropping encapsulant (25 & 27) over the light emitting element 15 (lines 39-41 of column 5), adhering a covering material (third encapsulant 28) to the insulator (substrate 12 or 31) by the first sealing member after dropping the first encapsulant (lines 1-16 of column 6) and cutting a part of the insulator (substrate and a part of the covering material (27 & 28) after the step of adhering the covering material (27 & 28, see lines 1-11 of column 8, Fig 10).

Regarding claim 24, Koike et al. disclose a step of scattering a spacer (36) after the first sealing material 21 is formed (lines 42-46 of column 7).

Regarding claim 25, Koike et al. disclose that the encapsulant (25) comprises a resin (line 40-42 of column 7).

Regarding claim 26, Koike et al. disclose that a hygroscopic material, aluminum oxide, is added to the encapsulant 27 (lines 10-13 of column 6).

Regarding claim 27, Koike et al. disclose a method of manufacturing a light emitting device (Fig 6-Fig 10) comprising the step of forming a first sealing material (21) so as to surround at least a light emitting element (15) at a plurality of places over a substrate (glass epoxy substrate 12 or 31, lines 12-14 of column 5), dropping encapsulant (25 & 27) over the light emitting element 15 (lines 39-41 of column 5), adhering a covering material (third encapsulant 28) to the insulator (substrate 12 or 31) by the first sealing member after dropping the first encapsulant (lines 1-16 of column 6), cutting a part of the insulator (substrate and a part of the covering material (27 & 28) after the step of adhering the covering material (27 & 28, see lines 1-11 of column 8, Fig 10), attaching a connection terminals over the substrate (lines 4-14 of column 7, Fig 4), forming a second sealing material (mold material 46 of Fig 15) so as to abut an exposed portion of the first sealing member.

Claims 28-30 recite essentially the same limitations of claims 24-26 respectively. Thus claims 28-30 are rejected as claims 24-26 respectively (see rejections of claim 24-26).

Allowable Subject Matter

Claims 15-22 are allowed over the prior art of record.

Reasons for allowance for claims 15-22 are presented in office action, mailed on 7/13/2005.

Response to Arguments

Applicant's arguments filed on 11/16/2005 have been fully considered but they are not persuasive.

Regarding rejection of claims 23-30 by Koike et al. (US 6345903), applicant contends that cylindrical reflection frame 21 is located quite distant and separated from third encapsulant 28, thus it can not be said that this shows adhering encapsulant 28 to the insulator by the first sealing material.

However, examiner respectfully disagrees. In this case, encapsulant 28 is adhered to the insulator via reflective frame 21 and a second encapsulant 27. The presence of second encapsulant shows distance and separation of encapsulant 28 from the reflection frame 21. However, claim only calls for adhering or attaching a covering material to the insulator by the first sealing material, in this case, the reflective frame. Claim language does not call for direct contact of covering material (encapsulant 28) with the reflective frame. However, adherence or attachment of cover material 28 to the insulator is done through the sealing member 21, thus prior art anticipates the claim language.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

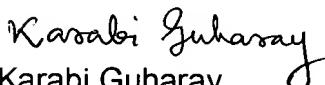
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is (571) 272-2452. The examiner can normally be reached on Monday-Friday 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar D. Patel can be reached on (571) 272-2457. The fax phone number for the organization is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karabi Guharay
Patent Examiner
Art Unit 2879